

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

SWENSON ERIK G.

FULBRIGHT & JAWORSKI L.L.P. ATTN: MN IP DOCKET
600 CONGRESS AVENUE, SUITE 2400 AUSTIN TX 78701
USA

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

FULBRIGHT & JAWORSKI, L.L.P.

IPT DOCKETING

Docketed ☐ Not Req'd ☐

Date of mailing

(day/month/year)

Confirmation ☐

27 JULY 2010 (27.07.2010)

Applicant's or agent's file reference

CARD-020/PCT7

Initials 1st

Initials 2nd

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/US2010/030497

AUG 03 2010

International filing date

(day/month/year)

09 APRIL 2010 (09.04.2010)

Applicant

Attorney

CARDIOCOM, LLC et al

Docket No.

Action Req'd

Date Due

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see www.wipo.int/pct/en/texts/time_limits.html and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



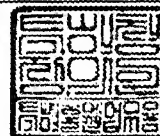
Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro,
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8753



* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => Patent Search => PCT-Service

ID : PCT international application number

PW : **V0IE3WCC**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

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Fax: +1 703 388 1084

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CARD-020/PCT7	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US2010/030497	International filing date (<i>day/month/year</i>) 09 APRIL 2010 (09.04.2010)	(Earliest) Priority Date (<i>day/month/year</i>) 16 APRIL 1999 (16.04.1999)	
Applicant CARDIOCOM, LLC et al			

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 9 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 7
- ☐ as suggested by the applicant.
- ☒ as selected by this Authority, because the applicant failed to suggest a figure.
- ☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figure is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2010/030497**A. CLASSIFICATION OF SUBJECT MATTER****G06Q 50/00(2006.01)i, G06F 17/00(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

G06Q 50/00; A61B 5/00; A63B 15/02; A63B 71/00; G06F 17/60

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) & Keywords: patient, aged, old, monitor, measure, check, instruction, command, prompt

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2005-0172021 A1 (STEPHEN BROWN) 04 August 2005 See abstract: paragraph [0015]-[0019], [0055], [0078]	1-20
X	US 2003-0083556 A1 (DANIEL L. COSENTINO et al.) 01 May 2003 See abstract: paragraph [0013]-[0018]	1-20
A	WO 01-21065 A1 (HOMMED, LLC) 29 March 2001 See page1:line6-page2:line15	1-20
A	US 2007-0155588 A1 (John G. Stark et al.) 05 July 2007 See abstract: paragraph [0007]-[0108], [0301]	1-20



Further documents are listed in the continuation of Box C.



See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

26 JULY 2010 (26.07.2010)

Date of mailing of the international search report

27 JULY 2010 (27.07.2010)

Name and mailing address of the ISA/KR

Korean Intellectual Property Office
Government Complex-Daejeon, 139 Seonsa-ro, Seo-
gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

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Information on patent family members

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INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US2010/030497

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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

SWENSON ERIK G.

FULBRIGHT & JAWORSKI L.L.P. ATTN: MN IP DOCKET
600 CONGRESS AVENUE, SUITE 2400 AUSTIN TX 78701
USA

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **27 JULY 2010 (27.07.2010)**

Applicant's or agent's file reference
CARD-020/PCT7

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2010/030497

International filing date (day/month/year)

09 APRIL 2010 (09.04.2010)

Priority date(day/month/year)

16 APRIL 1999 (16.04.1999)

International Patent Classification (IPC) or both national classification and IPC

G06Q 50/00(2006.01)i, G06F 17/00(2006.01)i

Applicant

CARDIOCOM, LLC et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR
Korean Intellectual Property Office
Government Complex-Daejeon, 139
Seonsa-ro, Seo-gu, Daejeon 302
-701, Republic of Korea
Facsimile No. 82-42-472-7140

Date of completion of this opinion

26 JULY 2010 (26.07.2010)

Authorized officer

RA, Kwang Pyo

Telephone No. 82-42-481-5649



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2010/030497

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. a sequence listing filed or furnished
 - ☐ on paper
 - ☐ in electronic form
 - b. time of filing or furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2010/030497

Box No. II Priority

1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date(Rules 43bis.1 and 64.1) is the claimed priority date.

2. ☒ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:
Only the application, US 11/ 345,956 that is claimed to third item in Priority Claim of B ox No.VI , is valid.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-20	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1-20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims	NONE	NO

2. Citations and explanations :

Reference is made to the following documents:

D1: US 2005-0172021 A1 (STEPHEN BROWN) 04 August 2005

The present invention relates to techniques for remotely monitoring the health of an ambulatory patient who may interact with a monitoring that is located at the patient's home.

D1 discloses a system for remotely monitoring an individual including a server system for generating a script program from a set of queries being executed by a remote apparatus that displays information and a set of queries to the individual through a user interface.

1. Novelty and Inventive Step

1-1. Claim 1

Claim 1 is a method comprising storing a set of firmware and repeatedly executing instructions on the patient monitoring device.

However, said claim is similar to D1 comprising the memory storing script programs received from the server, the element that prompts the patient by displaying, and the element that transmits the device measurement, query responses, script identification code, and patient identification code to the server.

Therefore, claim 1 lacks an inventive step and does not meet the requirement of PCT Article 33(3).

Continued on the Supplemental Box

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US2010/030497

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.
Continuation of:

Box No. V

1-2. Claims 2-10

Claims 2-10 of the present invention add the details of each step, for example executing instructions and new elements, for receiving a patient identifier.

However, claims 2-10 are a slight constructional change in the D1. Said claims come within the scope of the customary practice followed by persons skilled in the art, as the advantages thus achieved can readily be foreseen.

Consequently, the subject matter of claims 2-10 also lack an inventive step and do not meet the requirement of PCT Article 33(3).

1-3. Claims 11-20

Claims 11-20 of the present invention are medium and system invention to correspond to above method invention. These claims are identical to above method invention in the aspects of invention concept.

Therefore, Claims 11-20 also lack an inventive step and do not meet the requirement of PCT Article 33(3)

2. Industrial Applicability

Claims 1-20 are industrially applicable under PCT Article 33(4)